APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/627,554	07/25/2003	Florian Patrick Nierhaus	2003P04477US	3548

7590   05/27/2009

Attn: Elsa Keller, Legal Administrator
Siemens Corporation
Intellectual Property Department
170 Wood Avenue South
Iselin, NJ 08830

EXAMINER
LE, KAREN L

ART UNIT	PAPER NUMBER
2614	

MAIL DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>2</u> MONTH(S) OR THIRTY (30) DAYS,
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>02 February 2009</u>.

2a)☒ This action is FINAL.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1,2,4-18 and 20-23</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-2, 4-18 and 20-23</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
        application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Response to Amendment

1.   Applicant's amendment filed on February 02, 2009 has been entered. Claims 1,

17, 22 and 23 have been amended. Claims 3 and 19 have been cancelled. No claims

have been added. Claims 1, 2, 4-18 and 20-23 are still pending in this application, with

claims 1, 17, 22 and 23 being independent. This action is made final.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

3.   Claims 1-2, 4-18 and 20-23 rejected under 35 U.S.C. 103(a) as being

unpatentable over Santos (US 2003/0158900) and further in view of Caspi (US

2004/0250201).

Regarding claim 1, Santos teaches a method for indicating a speaker during a

conference (Fig.4, item 414), comprising:

determining a list of participants in a conference (Fig.4, item 403);

determining a sample from said conference (Fig.2, item 404);

determining a first participant from said list that is speaking during said sample (Fig.4,

items 414);

determining a second participant from said list that is speaking during said sample

(Fig.4, items 414);

providing data indicative of said first participant and said second participant (Fig. 3, item

414)

displaying a first graphic indication that said first participant is speaking,

wherein the first graphic indication further indicates a first level of activity (Fig. 3, Port

No. 5, Image #5, Status: <u>speaking</u>)

displaying a second .graphic indication that said second participant is

speaking (Fig. 3, Port No. 4, Image #4, Status: <u>active</u>, most recent participant

speaking), wherein the second .graphic indication further indicates a second level of

activity, wherein the first level of activity (speaking) is different than the second level of

activity (active), and wherein the second graphic indication (picture of Linda Davis) is

displayed at a same time as the first graphic indication (Picture of Betty carter, Para.

0027 and 0037).

Santos does not teach the first .graphic indication comprises an <u>icon having a</u>

<u>first size</u> based on the first level of activity, and wherein the second graphic indication

comprises <u>an icon having a second size</u> based on the second level of activity.

However, Caspi teaches the first .graphic indication comprises an icon having a first

size based on the first level of activity (Fig. 7, item 382), and wherein the second

.graphic indication comprises an icon having a second size based on the second level

of activity (Fig. 7, item 384) (Paragraph 0066 and 0060). Caspi teaches document 381

includes icons that indicate annotations to the document 381, such as icons 382 and 384. The different colors, shapes, fill patterns, flashing rates, sizes, etc. of the icons displayed in or with the document 381 indicate the providers of the annotations associated with the icons. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate Caspi's feature into Santos' system in order to provide an <u>icon having a first size</u> based on the first level of activity, and wherein the second graphic indication comprises <u>an icon having a second size</u> based on the second level of activity.

Regarding claim 2, Santos further teaches wherein said determining a participant from said list that is speaking during said sample includes determining an active channel in said sample and determining a speaker associated with said active channel (Para. 0034).

Regarding claim 4, Santos further teaches determining at least one active channel in said conference (Para. 0034).

Regarding claim 5, Santos further teaches determining at least one active channel includes determining significance of a plurality of channels in said conference and selecting said at least one active channel from said plurality of channels (Para. 0034).

Regarding claim 6, Santos further teaches determining a sample from said conference includes determining a sample from said at least one active channel (Para. 0034).

Regarding claim 7, Santos further teaches providing data indicative of said sample includes providing a sample of voice data associated with said conference (Para. 0008).

Regarding claim 8, Santos further teaches providing data indicative of said participant includes providing said data via a first channel and wherein said providing a sample of voice data associated with said conference includes providing said sample of voice data via a second channel (Para. 0011).

Regarding claim 9, Santos further teaches providing data indicative of said participant includes providing said data to a first client device and wherein said providing a sample of voice data associated with said conference includes providing said sample of voice data to a second client device (Para. 0019).

Regarding claim 10, Santos further teaches determining a significance of at least one active channel in said conference (Para. 0034).

Regarding claim 11, Santos further teaches determining a participant from said list that is speaking during said sample includes identifying a participant speaking on said at least one active channel during said sample (Para. 0034 and page 5, claim 10).

Regarding claim 12, Santos further teaches 1, wherein said data indicative of said participant includes data indicative of a device associated with said participant (Fig. 3, Port No. 5, Image #5, Status: speaking)

Regarding claim 13, Santos further teaches said data indicative of said participant includes data indicative of a channel associated with said participant (Para. 0034).

Regarding claim 14, Santos further teaches 1, wherein said sample includes data from multiple active channels associated with said conference (Para. 0008)

Regarding claim 15, Santos further teaches determining a participant from said list that is speaking during said sample includes determining a participant from a plurality of participants that are aggregated on a channel (Para. 0011).

Regarding claim 16, Santos further teaches wherein said data indicative of said sample has a different sample size than said data indicative of said participant (Para. 0014).

Regarding claim 17, Santos further teaches a system for indicating a speaker during a conference, comprising:

a network (Fig. 1).

at least one client device operably coupled to said network (Fig. 1, item 124);

a server (Fig. 1, item 119) operably coupled to said network, said server adapted to determine a list of participants in a conference;

determine a sample from said conference;

determine a first participant from said list that is speaking during said sample;

determine a second participant from said list that is speaking during said sample~

provide data indicative of said sample; provide data indicative of said first participant and said second participant; and display a first graphic indication that said first participant is speaking, wherein the first .graphic indication further indicates a first level of activity; and display a second graphic indication that said second participant is speaking, wherein the second graphic indication further indicates a second level of

activity, wherein the first level of activity is different than the second level of activity, and wherein the second .graphic indication is displayed at a same time as the first graphic. indication (see Fig. 3, Table 302, Para. 0027).

Santos does not teach the first .graphic indication comprises an <u>icon having a first size</u> based on the first level of activity, and wherein the second graphic indication comprises <u>an icon having a second size</u> based on the second level of activity. However, Caspi teaches the first .graphic indication comprises an icon having a first size based on the first level of activity (Fig. 7, item 382), and wherein the second .graphic indication comprises an icon having a second size based on the second level of activity (Fig. 7, item 384) (Paragraph 0066 and 0060). Caspi teaches document 381 includes icons that indicate annotations to the document 381, such as icons 382 and 384. The different colors, shapes, fill patterns, flashing rates, sizes, etc. of the icons displayed in or with the document 381 indicate the providers of the annotations associated with the icons. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate Caspi's feature into Santos' system in order to provide an <u>icon having a first size</u> based on the first level of activity, and wherein the second graphic indication comprises <u>an icon having a second size</u> based on the second level of activity.

Regarding claim 18, Santos further teaches wherein said server is adapted to determine an active channel associated with said conference (Para. 0034).

Regarding claim 20, Santos further teaches, wherein said client device is adapted to display an indication of said participant (fig. 3, items image, status, location)

Regarding claim 21, Santos further teaches wherein said client device is adapted to display a level of activity of said participant in said sample (Fig. 3, item status).

Regarding claim 22, Santos further teaches a system for indicating a speaker during a conference, comprising:

a processor (Fig. 1, item 119);

a communication port coupled to said processor and adapted to

communicate with at least one device (Fig. 1, item 124); and

a storage device coupled to said processor and storing instructions adapted to be

executed by said processor to (Fig. 1, item 123)

executed by said processor to: determine a list of participants in a conference (Fig. 4, item 403);

determine a sample from said conference (fig. 4, item 404);

determine a first participant from said list that is speaking during said sample;

determine a second participant from said list that is speaking during said sample;

during said sample;

provide data indicative of said sample;

provide data indicative of said first participant and said second participant; and

display a first graphic indication that said first participant is speaking, wherein the first graphic indication further indicates a first level of activity;

display a second graphic indication that said second participant is speaking, wherein the

second graphic indication further indicates a second level of activity wherein the first

level of activity is different than the second level of activity, and wherein the second

.graphic indication is displayed at a same time as the first .graphic indication (See Fig.

3, table 302, Para 0027).

Santos does not teach the first .graphic indication comprises an <u>icon having a</u>

<u>first size</u> based on the first level of activity, and wherein the second graphic indication

comprises <u>an icon having a second size</u> based on the second level of activity.

However, Caspi teaches the first .graphic indication comprises an icon having a first

size based on the first level of activity (Fig. 7, item 382), and wherein the second

,graphic indication comprises an icon having a second size based on the second level

of activity (Fig. 7, item 384) (Paragraph 0066 and 0060). Caspi teaches document 381

includes icons that indicate annotations to the document 381, such as icons 382 and

384. The different colors, shapes, fill patterns, flashing rates, sizes, etc. of the icons

displayed in or with the document 381 indicate the providers of the annotations

associated with the icons. Thus, it would have been obvious to one of ordinary skill in

the art at the time the invention was made to incorporate Carpi's feature into Santos'

system in order to provide an <u>icon having a first size</u> based on the first level of activity,

and wherein the second graphic indication comprises <u>an icon having a second size</u>

based on the second level of activity.

Regarding claim 23, Santos further teaches an article of manufacture comprising:

a computer readable medium (Fig. 1, item 119) having stored thereon instructions

which, when executed by a processor (Fig. 1, item 119), cause said processor to:

determine a list of participants in a conference (Fig. 4, item 403); determine a sample

from said conference (Fig. 4, item 404);

determine a first participant from said list that is speaking during said

sample;

determine a second participant from said list that is speaking during said

sample;

provide data indicative of said sample;

provide data indicative of said first participant and said second participant;

and display a first graphic indication that said first participant is speaking,

wherein the first graphic indication further indicates a first level of activity;

display a second graphic indication that said second participant speaking, wherein the

second graphic indication further indicates a second level of .activity wherein the first

level of activity is different than the second level of activity, and wherein the second

graphic indication is displayed at a same time as the first graphic indication (See fig. 3,

table 312, Para 0027). Santos does not teach the first .graphic indication comprises an

icon having a first size based on the first level of activity, and wherein the second

graphic indication comprises an icon having a second size based on the second level of

activity. However, Caspi teaches the first .graphic indication comprises an icon having

a first size based on the first level of activity (Fig. 7, item 382), and wherein the second

,graphic indication comprises an icon having a second size based on the second level

of activity (Fig. 7, item 384) (Paragraph 0066 and 0060). Caspi teaches document 381

includes icons that indicate annotations to the document 381, such as icons 382 and

384. The different colors, shapes, fill patterns, flashing rates, sizes, etc. of the icons

displayed in or with the document 381 indicate the providers of the annotations

associated with the icons. Thus, it would have been obvious to one of ordinary skill in

the art at the time the invention was made to incorporate Caspi's feature into Santos'

system in order to provide an <u>icon having a first size</u> based on the first level of activity,

and wherein the second graphic indication comprises <u>an icon having a second size</u>

based on the second level of activity.

Response to Arguments

4.   Applicant's arguments with respect to claims 1-2, 4-18 and 20-23 have been

considered but are moot in view of the new ground(s) of rejection.

Conclusion

5.   Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

6.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to KAREN L. LE whose telephone number is (571)272-

7487. The examiner can normally be reached on Mon and Thurs: 8:30-5:00.

        If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Curtis A. Kuntz can be reached on 571-272-7499. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

        Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Karen L Le/

Examiner, Art Unit 2614
/CURTIS KUNTZ/

Supervisory Patent Examiner, Art Unit 2614